

All communications respecting this case should identify it by number and names of parties.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: BOX INTERFERENCE
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Telephone: (703) 308-9797
Facsimile: (703) 308-7953

MAILED

JUN 24 1997

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Applicants: C. Richard Schlegel
Serial No.: 08/216,506
Filed: 03/22/94
For: Human Papillomavirus Vaccines
Containing Conformationally Correct
L1 Capsid Proteins
Accorded Benefit: U.S. Application
07/903,109, filed 06/25/92

The case referred to above has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with other cases hereafter specified. Attention is directed to the fact that this interference is declared pursuant to 37 CFR 1.601 et seq., as amended. See Notice of Final Rule, 60 Fed. Reg. 14488 (March 17, 1995), corrections printed in 60 Fed. Reg. 16920 (April 3, 1995). See also 1173 O.G. 384 (April 18, 1995). The interference is designated as No. 103,929.

By direction of the Commissioner of Patents and Trademarks and as required by 35 USC 135(c), notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference."

Serial No. 08/215,506

The parties involved in this interference are:

Junior Party

Applicants: ROBERT C. ROSE
41 Cottage Street
Dansville, New York

WILLIAM BONNEZ
61 Burlington
Rochester, New York

RICHARD C. REICHMAN
215 East Brook
Pittsford, New York

Application: 08/207,309, filed 03/07/94

Title: Production of Human Papillomavirus Capsid
Protein and Virus-Like Particles

Assignee: None

Attorneys: Michael L. Goldman

Associate: None

Accorded benefit: U. S. Application 08/028,517, filed 03/09/93

Address: NIXON, HARGRAVE, DEVANS & DOYLE, LLP
Clinton Square, P.O. Box 1051
Rochester, New York 14603

Serial No. 08/216,506

Junior Party

Applicants: DOUGLAS R. LOWY
3414 Garfield Street, N.W.
Washington, D.C. 20007

JOHN T. SCHILLER
11306 Maple View Drive
Silver Spring, Maryland 20902

Reinhard Kirnbauer
8315 North Brook Lane, #905,
Bethesda, Maryland 20814

Application: 08/484,181, filed 06/07/95

Title: Self-Assembling Recombinant Papillomavirus
Capsid Proteins

Assignee: None

Attorneys: Reid G. Adler Susan S. Rucker
James C. Haight David R. Sadowski
Marjorie D. Hunter Laurence J. Hyman
Gloria Richmond
Robert Benson
Jack Spiegel
Thomas G. Wiseman
Dante J. Picciano
Denise Bernstein,

Associates: Ned A. Israelsen
Gerard von Hoffmann
Daniel E. Altman
Andrew H. Simpson
Anita M. Kirkpatrick
Nancy Ways Vensko

Accorded benefit: U.S. Application 07/941,371, filed 09/03/92

Address: ANITA M. KIRKPATRICK
KNOBBE, MARTENS, OLSON and BEAR
620 Newport Center Drive
Sixteenth Floor
Newport Beach, CA 92660

Serial No. 08/216,506

Junior Party

Applicants: C. RICHARD SCHLEGEL
3 Elmwood Court
Rockville, MD 20850

A. Bennett Jenson
14220 Briarwood Terrace
Rockville, MD 20853

Application: 08/216,506, filed 03/22/94

Title: Human Papillomavirus Vaccines Containing
Conformationally Correct L1 Capsid Proteins

Assignee: None

Attorneys:	William L. Mathis	James A. LaBarre
	Peter H. Smolka	E. Joseph Gess
	Robert S. Swecker	David D. Reynolds
	Platon N. Mandros	R. Danny Huntington
	Benton S. Duffett, Jr.	Eric H. Weisblatt
	Joseph R. Magnone	James W. Peterson
	Joel M. Freed	Teresa Stanek Rea
	Norman H. Stepno	Robert E. Krebs
	Ronald L. Grudziecki	Robert M. Shulman
	Frederick G. Michaud, Jr.	William E. Rowland
	Alan E. Kopecki	Richard H. Kjeldgaard
	Regis E. Slutter	T. Gene Dillahunt
	Samuel C. Miller, III	Anthony W. Shaw
	Ralph L. Freeland, Jr.	
	Robert G. Mukai	
	George A. Hovanec, Jr.	

Associates: None

Accorded benefit: U.S. Application 07/903,109, filed 06/25/92

Address: ROBIN L. TESKIN
BURNS, DOANE, SWECKER & MATHIS
P.O. Box 1404
Alexandria, VA 22313-1404

Serial No. 08/216,506

Senior Party

Applicants: IAN FRAZER
110 Highland Terrace
Brisbane, Queensland 4067

JIAN ZHOU
25 Moolingal Street
Brisbane, Queensland 4074

Application: 08/185,928, filed 01/19/94

Title: Papillomavirus Vaccines

Assignee: The University of Queensland
and CSL Limited

Attorneys: Stephen A. Bent George E. Quillin
David A. Blumenthal Colin G. Sandercock
William T. Ellis Bernhard D. Saxe
John J. Feldhaus Charles F. Schill
Donald D. Jeffrey Richard L. Schwaab
Eugene M. Lee Arthur Schwartz
Peter G. Mack Harold C. Wegner
Brian J. McNamara
Sybil Meloy

Associate: Mark T. Skoog

Accorded benefit: PCT/AU92/00364, filed 07/20/92
Australia PK7322, filed 07/19/91

Address: FOLEY & LARDNER
Suite 500
3000 K Street, N.W.
Washington, D.C. 20007-5109

COUNT 1

(A) An isolated recombinantly produced human papillomavirus L1 protein, wherein said protein reproduces the antigenicity and exhibits the same conformation as an L1 major capsid protein expressed on the surface of intact human papillomavirus virions; or

(B) A papillomavirus virus-like particle made by the method which comprises:
constructing a recombinant DNA molecule that contains a sequence encoding a papillomavirus L1 protein;
transfecting a host cell with the recombinant DNA molecule;
expressing papillomavirus L1 protein in the host cell; and
obtaining papillomavirus virus-like particles from the transfected host cell; wherein the papillomavirus is not HPV 16; or

(C) Isolated papillomavirus capsids comprising an L1 polypeptide which contains at least one conformational epitope and is capable of inducing high-titer neutralizing antibody, produced by the method comprising:

permitting a genetic construct, comprising a papillomavirus L1 gene, to direct recombinant expression and self-assembly of papillomavirus capsids comprising the L1 polypeptide in a transformed eukaryotic host cell; and isolating said self-assembled capsids; or

(D) An isolated non-infectious human papillomavirus virus-like particle or capsomere comprising a human papillomavirus L1 capsid protein which is conformationally correct and is recognized by antibodies present in sera obtained from human patients infected with the human papillomavirus.

Serial No. 08/216,506


The claims of the parties which correspond to the count
are:

Rose et al.: Claims 35-37, 42-45, 48, 50, 52-57, 59, 61-65,
67-72, 75-77, 79-89, 91

Lowy et al.: Claims 34-49

Schlegel et al.: Claims 1-3, 10-19, 21-26, 46-47 and 50-66

Frazer et al.: Claims 65-80, 89-100


RONALD H. SMITH
Administrative Patent Judge
(703) 308-9797